

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GENERAL ELECTRIC CAPITAL
CORPORATION,

Plaintiff,

v.

HENSHUE CONSTRUCTION, INC.,
GARY L. HENSHUE and
JOHN E. SCHUCHARDT, JR.,

Defendants.

ORDER

08-cv-424-bbc

Upon the motion of plaintiff, defendants Gary Henshue and John Schuchardt, Jr., have been dismissed from this case. The remaining defendant, Henshue Construction, Inc., has made an assignment for the benefit of its creditors in Dane County Circuit Court Case 2009CV000274. Because that proceeding may dispose of this entire case, IT IS ORDERED that the case is DISMISSED without prejudice, subject to the condition that this order of dismissal shall be vacated in the event that the state court proceeding is terminated without disposing of the rights of the parties in this case, or a timely request is made by either party that this order to dismiss without prejudice be vacated, or for any other reason necessary to

prevent manifest injustice. In the event that this order of dismissal is vacated, the parties shall have all such rights as if this case had not been dismissed.

Entered this 9th day of February, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge